

IN RE: PETITION FOR ZONING VARIANCE
NE/S Moray Ct., 25' SE of the
c/l of Breen Place
2 Moray Court
11th Election District
5th Councilmanic District
Santo E. Salemi, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-100-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.B. to permit a building to street centerline setback of 37.5' and a rear yard setback of 20' in lieu of the minimum 55' and 30', respectively, and an amendment to the Second Amendment Development Plan of Silvergate Village North, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Santo E. Salemi, appeared and testified. There were no Protestants.

Testimony and evidence indicate that the subject property, known as #2 Moray Court, consists of .196 acres +/-, zoned D.R.3.5, is improved with a single family dwelling unit and is in the subdivision known as Silvergate Village North. The front of the house is on Moray Court and the rear yard adjoins a public utility and recreational area. The Petitioner is desirous of constructing a two car garage on the side of the house closest to Breen Place. The Petitioner testified that there is no other location on this side upon which to construct a two car garage.

Based upon the testimony and evidence presented at the hearing, all

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of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of Oct., 1989 that the Petition to permit a building to street centerline setback of 37.5' and a rear yard setback of 20' in lieu of the minimum 55' and 30', respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

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3) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mm

cc: Peoples Counsel

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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. (1981, B.C.A., 1981, 100, 1970) To permit a building to street centerline setback of 37.5' and a rear yard setback of 20' in lieu of the minimum 55' and 30', respectively, and an amendment to the Second Amendment Development Plan of Silvergate Village North, as more particularly described on Petitioner's Exhibit 1.

at the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Request Zoning Variance to permit construction of proposed 24'x25' addition to existing dwelling.
- 2) Because of the shape and size of the property, the proposed addition will go 17 1/2' into a setback 55' from center line of Breen Place.
- 3) Said property is flat for 10' and then goes downhill in back of house.
- 4) The addition (attached 2 car garage) would provide storage and protection from the elements for the owners automobiles and personal property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Address: _____
City and State: _____
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Santo E. Salemi
Name
2 Moray Court
Address
Baltimore, Md. 21236
City and State
256-6087
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of Sept., 1989, at 2:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Beginning on the South East corner of Breen Place and Moray Ct.
Being Lot 1 Block B, in the subdivision of Silvergate,
Village North, Book 35, Folio 63, also known as 2 Moray Court
in the 11th Election District.

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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 24, 1989.

THE JEFFERSONIAN
NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlem
Publisher

PO 16233
M34138
90-100-1
page \$78.60

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CERTIFICATE OF POSTING

District: 11-24
Posted for: Variance
Petitioner: Santo E. Salemi, et ux
Location of property: NE/S Moray Ct., 25' SE of Breen Place
2 Moray Ct.
Location of Sign: Breen Place, 10' from Moray Ct.
Remarks: Property of Haines
Posted by: M. Haines
Date of return: 9/1/89
Number of Signs: 1

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 9-6-89

Mr. & Mrs. Santo E. Salemi
2 Moray Court
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 90-100-A
NE/S Moray Court, 25' SE of the c/l of Breen Place
2 Moray Court
11th Election District - 5th Councilmanic
Petitioner(s): Santo E. Salemi, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 20, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Salemi:

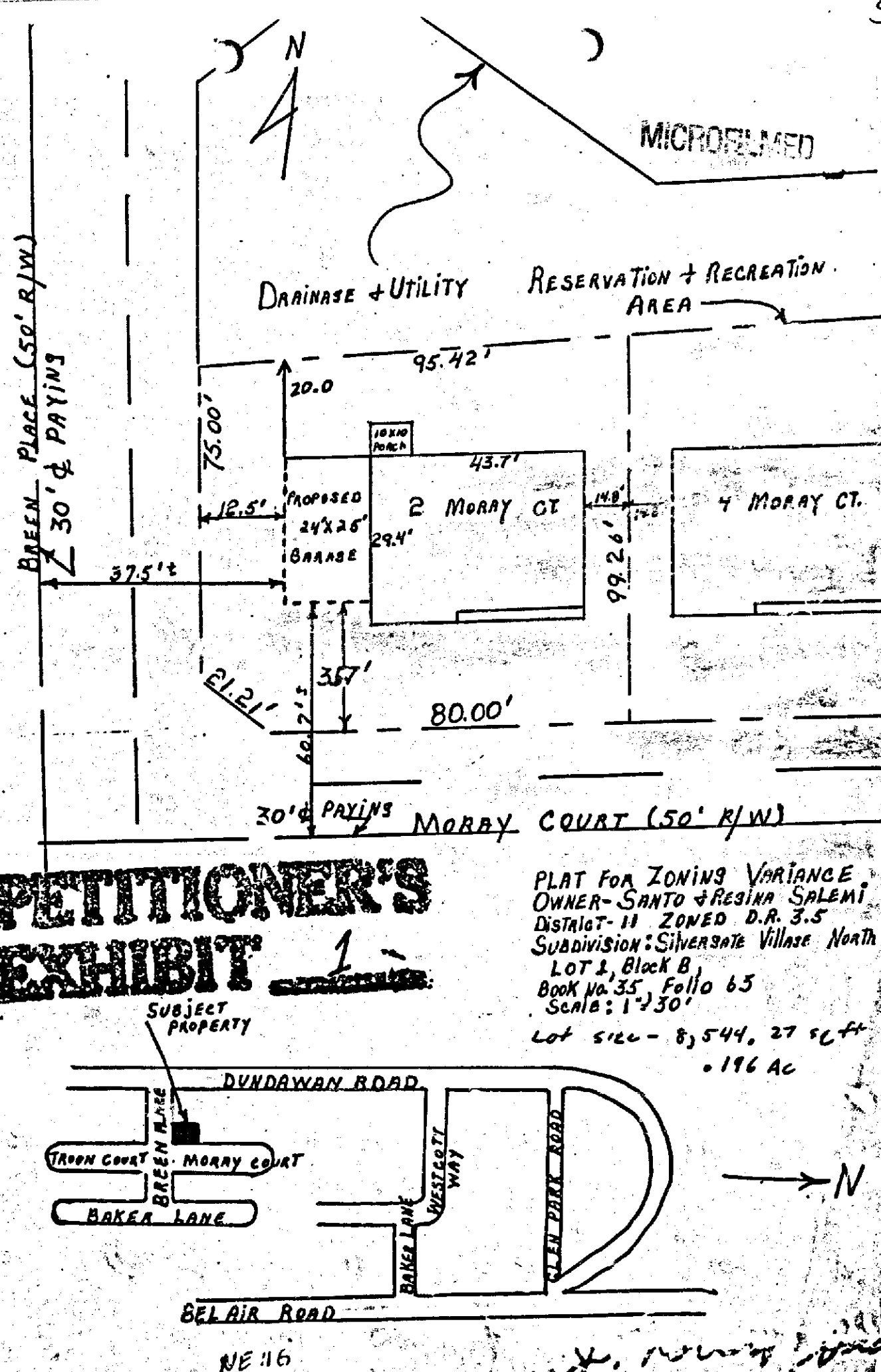
Please be advised that \$103.60 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/20/89 ACCOUNT 2-001-615-000
AMOUNT \$ 103.60
RECEIVED FROM: Santo E. Salemi, et ux
DATE 9/20/89
SIGNATURE: J. Robert Haines
TITLE: ZONING COMMISSIONER
VALIDATION OR SIGNATURE OF CASHIER



9/20

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: September 8, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Santo E. Salemi, Item 560
Zoning Petition No. 90-100-A

The petitioner requests a variance to amend the Second Amended Development Plan of Silvergate Village North, to permit a building to street centerline setback of 37.5 feet and relief from a required setback.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

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9/11/89 rec. late sent comment ju

SEP 11 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

JUNE 27, 1989



Dennis F. Rasmussen
County Executive

RE: Property Owner: SANTO E. SALEMI
Location: NE/S OF MORAY COURT
Item No.: 560 Zoning Agenda: JULY 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Kelly 6-27-89*
Planning Group
Special Inspection Division

Noted and
Approved

Capt. M. Brady
Fire Prevention Bureau

JK/kek

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JUN 28 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 26, 1989

AUG 3 1989

RECEIVED
ZONING OFF.



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 523, 541, ~~550~~, 561, 562, 563, 564, 566, 567, 568, 570, 571, and 572.

Very truly yours,

Michael S. Flanigan

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

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